

**III. REMARKS**

Claims 1, 2, 3-5, 8, 9, 11-14, 17, 18, 20, and 22-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Salazar.

The amended set of claims has the subject matter of claim 2 incorporated into claim 1, and claim 2 has been cancelled. Likewise, the subject matter of previous claim 27 (which corresponds to previous claim 2) has been incorporated into independent claim 26 and claim 27 has been cancelled. Claim 28 has been amended in a similar way by the incorporation of the subject matter of claim 29 and claim 29 has been cancelled.

Claim 2 relates to the additional feature that a control operation is provided only if said first and second detector arrangements both output a signal that indicates a contact between the terminal and the skin of the user. This additional feature further distinguishes the claimed subject matter from that of Davis and Salazar. It is respectfully submitted that the Examiner has provided no suggestion in the office action as to where this feature may be found in the prior art.

There are two major differences between the subject matter of amended claim 1 and that of Davis. As the Examiner acknowledges in the office action, Davis does not disclose a terminal having first and second detector arrangements based on different principles of detecting contacts between the terminal and the skin of the user. Furthermore, Davis does not disclose the new feature of claim 1 that a control operation is provided only if the first and second detector arrangements both output a signal that indicates contact between the terminal and the skin of the user.

The Examiner argues that Salazar discloses first and second detector arrangements being based on different principles of detecting a contact between a surface of the terminal and the skin of the user. However, the cited passage at column 22, lines 3 to 20, of Salazar does not disclose that a single terminal comprises two distinct detector arrangements. Salazar merely discloses that sensors 80 detect physical phenomenon differentials between the sensor and optionally the human skin. Salazar discloses neither that a single sensor detects a particular physical phenomena, nor that in a particular device, there are two distinct sensors each detecting a particular physical phenomenon.

Moreover, Salazar makes no suggestion whatsoever that two distinct sensors must each output a signal indicating contact between the terminal and the skin of the user in order to provide a control operation. Salazar is entirely silent on the question of the function of two distinct detector arrangements within a terminal.

The present invention advantageously provides reliable control of a function of a terminal, by preventing any unwanted and/or accidental activation of functions while the terminal is not in use (see page 5, line 28, to page 6, line 2, of the present application as filed). The prior art, such as Davis, suffer from the drawback that a single detector arrangement may give a false signal resulting in incorrect and/or unwanted operation of the terminal (see page 3, line 23, to page 4, line 7, of the present application). By employing two detector arrangements each using a different principle for detecting contact between the terminal and the skin of the user, it is possible to decrease the risk for incorrect signals and thus improve the reliability of the

detection arrangement (see page 11, lines 12 to 16, of the present application).

Thus the present application provides a significant improvement in reliability over that of the prior art, which do not even recognize that there is a problem with inappropriate activation by means of a single sensor. A skilled person would derive no motivation from either Davis or Salazar to include a further detector arrangement using a different detection principle in order to prevent inappropriate activation. The inventors of the present application have discovered that using two distinct detection principles in the same terminal, and only activating a function if both detectors sense contact with the skin of a user, makes it much less likely that control functions of the terminal are inappropriately activated. This is because it is unlikely that distinct types of detector will be inappropriately activated in the same circumstances. The cited prior art neither deals with the same problem nor provides any solutions leading in the direction of subject matter of amended claim 1. It is therefore submitted that amended claim 1 would not have been obvious to a skilled person.

Amended independent claims 26 and 28 would also not have been obvious over the cited prior art for the same reasons as given above in relation to claim 1. Each of these claims now also incorporate the feature of previous claim 2 that an output signal is provided only if the first and second detector arrangements agree with each other.

Thus, the rejection of claims 1, 2, 3-5, 8, 9, 11-14, 17, 18, 20, and 22-29 under 35 USC 103 on Davis in view of Salazar should be withdrawn.

Cairns fails to disclose the different principles of detection feature. Thus combining it with Davis and Salazar does not result in the present invention. Thus the rejection of claim 6 under 35 USC 103 on Davis in view of Salazar and Cairns should be withdrawn.

Giel also fails to disclose the above feature. Therefore combining it with Davis and Salazar does not result in the present invention. Thus the rejection of claims 7, 10, 15 and 16 under 35 USC 103 on Davis in view of Salazar and Giel should be withdrawn.

Budd fails to disclose the above feature. Therefore combining it with Davis and Salazar does not result in the present invention. Thus the rejection of claim 19 under 35 USC 103 on Davis in view of Salazar and Budd should be withdrawn.

Similarly, Nakajima fails to disclose the above feature. Therefore combining it with Davis and Salazar does not result in the present invention. Thus the rejection of claim 21 under 35 USC 103 on Davis in view of Salazar and Nakajima should be withdrawn.

New independent apparatus claim 30 is based on the method features of claim 28, and new independent claim 31 is based on a combination of claims 1 and 18.


Thus, claim 30 and 31 both recite the different principles of detection feature and are therefore allowable.

Since no new search is required, and since the number of claims has been reduced, an entry under 37 C.F.R. 1.116 is proper.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
Henry I. Steckler  
Reg. No. 24,139


March 29, 2005  
Date

Perman & Green, LLP  
425 Post Road  
Fairfield, CT 06824  
(203) 259-1800  
Customer No.: 2512

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office on the date shown below to (703) 872-9306.

3/29/05  
Date

  
Signature

Doris W. Perman  
Name of Person Signing Certification